

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: IMPLANTABLE GASTRIC STIMULATION LEAD WITH BARBED FIXATION.

The specification of which

- a. ☒ is attached hereto  
 b. \_\_\_\_\_ was filed on \_\_\_\_\_ application serial no. \_\_\_\_\_ was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international \_\_\_\_\_ filed and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1 56(a)<sup>1</sup>

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.  
 b. ☐ such applications have been filed as follows:

### FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119

| COUNTRY | APPLICATION NUMBER | DATE OF FILING | DATE OF ISSUE |
|---------|--------------------|----------------|---------------|
|         |                    |                |               |
|         |                    |                |               |

### ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

| COUNTRY | APPLICATION NUMBER | DATE OF FILING | DATE OF ISSUE |
|---------|--------------------|----------------|---------------|
|         |                    |                |               |
|         |                    |                |               |

I hereby claim the benefit under Title 35, United States Code, §120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §156(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

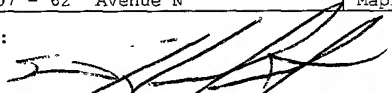
| U.S. APPLICATION NUMBER | DATE OF FILING | STATUS (patented, pending, abandoned <sup>1</sup> ) |
|-------------------------|----------------|---|
|                         |                |   |
|                         |                |   |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

### <sup>1</sup> § 1.56 Duty of disclosure; fraud, striking or rejection of applications.

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.



|   |                         |  |                                       |  |
|---|-------------------------|--|---------------------------------------|--|
| 2   | Full Name of Inventor   | FIRST NAME<br>Tim  | MIDDLE INITIAL                        | LAST NAME<br>Herbert                     |
| 0   | Residence & Citizenship | CITY<br>Maple Grove                                      | STATE OR FOREIGN COUNTRY<br>Minnesota | COUNTRY of CITIZENSHIP<br>USA            |
| 4   |                         | POST OFFICE ADDRESS<br>14707 - 62 <sup>nd</sup> Avenue N | CITY<br>Maple Grove                   | STATE/ZIP/COUNTRY<br>Minnesota/55311/USA |
| SIGNATURE OF INVENTOR 204:  |                         |  |                                       | DATE:                                    |
|  |                         |  |                                       | 1/11/02                                  |

10045701-01102